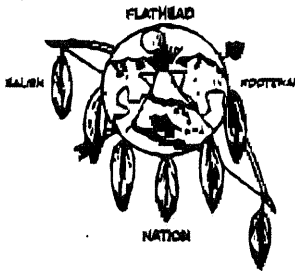


APPENDIX C

Section 106, Section 4(f), and Section 6(f) Documentation

This page intentionally left blank.



THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION

RECEIVED

JUN - 3 2005

ENVIRONMENTAL

P.O. Box 278

Pablo, Montana 59855

(406) 275-2700

FAX (406) 275-2806

Mail: csktcouncil@cskt.org



Joseph E. Dupuis - Executive Secretary
Vern L. Clairmont - Executive Treasurer
Leon Bourdon - Sergeant-at-Arms

TRIBAL COUNCIL MEMBERS:

D. Fred Matt - Chairman
Jami Hamel - Vice Chair
Carole Lankford - Secretary
Joel Clairmont - Treasurer
Lloyd D. Irvine
Mike Kenmille
Mary Lefthand
Elmer "Sonny" Morigeau
James Steele, Jr.
Ron Trahan

June 2, 2005

John Axline
Montana Department of Transportation
P.O. Box 201001
Helena, MT 59620-1001

RE: US 93 SEIS Ninepipe-Ronan Control No. 17434

Dear John:

Thank you for sending us the Determination of Effect for the Anderson Farmstead (24LA161) and the Stage Road. Based on the construction plan, we concur that the US 93 reconstruction will have **No Adverse Effect** on the Anderson Farmstead (24LA161) since construction activity will be confined to the existing R/W, a veneered retaining wall will be constructed within the site area, and no physical features of the site will be directly impacted. We also agree that the project will have **No Effect** on the historic stage route.

We are unclear whether the Stage Road has been issued a site number and site form. We don't seem to have a site record for the property here and suggest that it probably should be issued a site form and number if it hasn't already been issued.

Thank you for consulting with us.

Sincerely,

Marcia Pablo

Marcia Pablo
Preservation Officer

c.c. Mark Baumler

This page intentionally left blank.



Montana Fish, Wildlife & Parks

1420 East Sixth Avenue

P O Box 200701

Helena MT 59620-0701

June 10, 2005

Julie Kightlinger
Herrera Environmental Consultants, Inc.
101 East Broadway, Suite 610
Missoula, MT 59802

RE: US 93 SEIS

Dear Ms Kightlinger:

In response to your letter regarding the above project, Montana Fish, Wildlife & Parks (FWP) does own property and may be acquiring additional property in Lake County in the project vicinity within the next year. The management area is described as Ninepipe Wildlife Management Area. This land was acquired over many years by approximately thirty separate acquisitions funded in part through US Fish and Wildlife Service Pittman Robertson Funds and National Park Service Land and Water Conservation Funds. Each of these funding sources requires special mitigation treatment for any right of way impacts. Mitigation requirements must be coordinated with regional wildlife personnel from the FWP Kalispell/Ninepipe offices and Adam Brooks (444-3032) and Walt Timmerman (444-3753) of Helena when right of way needs are finalized.

FWP is also responsible for oversight of the state side of the Land and Water Conservation Fund (LWCF). There are many local municipalities with LWCF-assisted outdoor recreation sites. If proposed construction or land acquisition activities will affect such locally owned recreation or park facilities, please contact Walt Timmerman with site names. Walt will be able to check LWCF database files and provide the LWCF status of each named site. Any such site would need to be addressed as a 6(f) property and appropriate mitigation measures coordinated through his office.

In regard to other potential 4(f) properties, we do not keep information on lands owned or operated by others that would qualify for 4(f) treatment. This part of your inquiry would be better addressed through property ownership records or on the ground research.

This letter is not intended as formal comment to the highway 93 project, but rather information regarding 4(f) and 6(f) property ownership of FWP.

Sincerely,

Debby Dils
Land Section Supervisor

C: Region 1, Walt Timmerman, Adam Brooks

This page intentionally left blank.

02/11/2004 15:06 4064447245

MDT ENVIRONMENTAL

PAGE 02

MEMORANDUM OF AGREEMENT
NH-F 5-1(9)6F
US 93 EVARO - POLSON
LAKE COUNTY, MONTANA
Control No. B744

WHEREAS the Federal Highway Administration (FHWA) proposes to assist the Montana Department of Transportation (MDT) in funding the US 93 Evaro - Polson Road highway reconstruction project.

WHEREAS FHWA has determined that the undertaking will have an effect on the Flathead Irrigation Project (24LA91), a property eligible for inclusion in the National Register of Historic Places. The FHWA has consulted with the Confederated Salish & Kootenai Tribal Preservation Office (TPO) pursuant to Section 106 of the National Historic Preservation Act (16 USC 470) and its implementing regulations, "Protection of Historic Properties" (36 CFR 800);

WHEREAS MDT participated in the consultation and have been invited to concur in this amended Memorandum of Agreement;

NOW, THEREFORE, FHWA and the Montana SHPO agree that the undertaking will be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on an historic property.

Stipulations

- 1) The MDT will provide a turn-out and funding for a historical interpretive marker describing the development and significance of the Flathead Irrigation Project on the Flathead Reservation. The TPO will prepare the text for the interpretive marker and provide it to the MDT for review and production of the marker.
- 2) The MDT will provide \$6,000 to the CS&K TPO as partial funding for the inventory and evaluation of the Flathead Irrigation Project. The MDT will receive five copies of the completed report. The MDT's contribution to the study will be acknowledged in the report.
- 3) If a dispute arises regarding the implementation of this amended Agreement, FHWA shall consult with the objecting party to resolve the dispute. If any consulting party determines that the dispute cannot be resolved, FHWA shall request the further comments of the Advisory Council on Historic Preservation pursuant to the Council's regulations.

EXECUTION OF THIS MEMORANDUM OF AGREEMENT and implementation of its terms evidences that FHWA has afforded the Council an opportunity to comment on the

02/11/2004 15:05 4064447245

MDT ENVIRONMENTAL

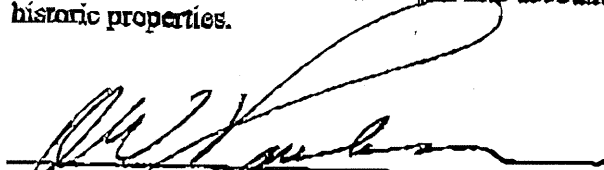
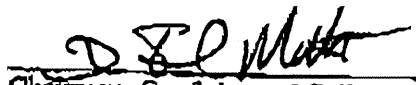
PAGE 03

NH-F 5-1(P) 6F

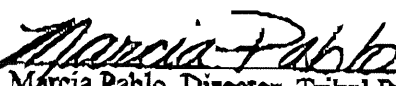
Memorandum of Agreement

Page 2

US 93 Evaro - Polson highway reconstruction project and its affects on historic properties, and that FHWA has taken into account the effect of the Undertaking on historic properties.


Federal Highway Administration2-10-2004
Date
Chairman, Confederated Salish & Kootenai Tribes2/4/04
Date

Concurring Party:


Montana Department of Transportation2/5/04
Date
Marcia Pablo, Director, Tribal Preservation OfficeFeb. 3, 2004
Date